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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

II. Insecurity in Darfur

2. While there were comparatively few systematic attacks in April, troop movements and the illegal occupation of new positions increased, as did harassment, burning of unoccupied villages, kidnapping, banditry (including carjacking, armed robbery and theft of livestock), attacks on civilians and rape by militia.

3. There were no incidents of regular Government forces attacking either rebel groups or civilians, and no hostile use of aircraft. Reports also suggest that the Government has made some effort to restrain its Popular Defence Forces militia and prevented some criminal acts by issuing warnings, stopping them directly and arresting perpetrators. These efforts are evidently inadequate, however, judging by the widespread reports of abuse of the population by those groups in much of the non-rebel-held areas of Darfur.

4. Most of the militia activities in April involved small bands targeting civilians and internally displaced persons. However, on 7 April a militia of the Miseriyya tribe carried out the most serious attack since the sacking of Hamada in January 2005. Taking the law into its own hands, a militia under the command of Nasir Al-Tijani Adel Kaadir carried out a day-long raid of Khor Abeche in Southern Darfur in retaliation for an earlier incident in which 10 members of the Miseriyya people were killed and cattle were stolen by elements of the Sudanese Liberation Army (SLA). That previous incident had been verified by the African Union Mission in the Sudan (AMIS).

5. In a joint statement, the African Union (AU) and the United Nations determined that, pursuant to paragraph 3 (c) of resolution 1591 (2005), the name of Nasir Al-Tijani Adel Kaadir and his identified collaborators would be passed on to the Committee established by the Security Council for that purpose. Prior to the attacks, approximately 7,000 displaced persons were registered in Khor Abeche, a town with a population of about 3,000. In a joint United Nations/African Union assessment, the village was found to have been substantially burned and looted.

Practically all of the population has fled to surrounding villages. Those surveyed said they fear to return to their homes until an AMIS force could be sent to ensure their protection. While AMIS had tried to establish a presence in Khor Abeche before the attack, a local leader had delayed allocating land on which to establish its presence.

6. The Wali of Southern Darfur established a committee to investigate the attack and announce its findings within 15 days. As at the time of writing, the 15 days have elapsed without a visit by that committee to Khor Abeche or the sites of displacement. The committee is urged to promptly complete its important work in a transparent manner. It is essential that investigations into this and other attacks be carried out expeditiously and in accordance with due process and the rule of law. Those responsible for committing human rights violations must be brought to trial in order to end the climate of impunity.

7. The Sudanese Liberation Army and the Justice and Equality Movement (JEM) carried out a number of attacks on police and militia in April and continue to take commercial, private and non-governmental organization vehicles at gunpoint on a scale that suggests that these acts are approved by their leadership. There are reliable reports that the vehicles are taken with the aim of converting them into battlefield platforms. Abductions, theft of livestock, restrictions on freedom of movement and general intimidation of civilians and humanitarian workers, including United Nations personnel, by rebel movements, were reported throughout April.

8. The border area of Western Darfur saw an elevated level of military activity which appears to be related to the suspected movement of armed groups across the border with Chad. The non-fatal shooting of a Chadian consul en route from the border to Geneina on 16 April has added to the tensions.

9. Demonstrations against and, to a lesser extent, in favour of resolution 1593 (2005) and opposing the ruling National Congress Party, have been held in Khartoum and Darfur. In the case of a protest in El Fashir, the security forces fired live ammunition into the crowd. The tension arising from protests and its potential effect on United Nations security are exemplified by the case of a United Nations national staff member arrested by national security officers on the basis of his alleged links with an opposition political party. The individual has now been released, but seems to have suffered physical abuse while in detention. This comes in the context of general hostility towards the international presence shown by elements of the Darfur authorities in April. The cooperative behaviour of some officials, such as the State Prosecutor's office of Northern Darfur, stands in widening contrast to the obstructive and intimidating behaviour of national security and certain other officials.

10. International aid workers and even internally displaced persons have been threatened with retaliation in the event of international action pursuant to resolution 1593 (2005). If the Government were to allow the aid community and United Nations staff to be endangered as a consequence of legal action to prosecute the perpetrators of crimes and atrocities, it would be failing in its most basic responsibilities as a government, namely to protect, and to see that justice is done. I call on the authorities to make clear their support for steps to end impunity, and to take all necessary measures to prevent hostile action against those who have come at the Government's invitation to help save the lives of its people.

III. Humanitarian assistance and protection of civilians

11. In April, the number of conflict-affected persons rose to 2.45 million, of whom 1.86 million are internally displaced. Overall, the environment for humanitarian operations and conflict-affected persons in Darfur remains volatile, with pockets of severe insecurity. The situation in Southern Darfur is especially bad.

12. The protection situation for the civilian population of Darfur has not improved and some areas have experienced a significant deterioration. Following the attack on 7 April on the village of Khor Abeche in Southern Darfur, the World Food Programme conducted an immediate food distribution to some 5,000 internally displaced persons hiding north of the village. Much more assistance is needed and humanitarian agencies have requested a strengthened AU presence in the area before resuming operations.

13. The month of April witnessed a sharp decline in the security of humanitarian staff, operations and access, in particular in Southern Darfur. On several occasions clearly marked humanitarian vehicles came under fire, causing the serious injury of one humanitarian worker and considerable damage to humanitarian assets.

14. Despite existing agreements on unimpeded access for humanitarian workers, non-governmental organizations continued to be harassed by the local authorities, particularly in Southern Darfur. In Northern Darfur there were repeated incidents of harassment of humanitarian staff, including some who were temporarily detained by SLA. High-level United Nations interventions have sought to address this and related issues through consultations at the ground level.

15. These developments notwithstanding, the scope of the humanitarian operations continued to expand. Three multisectoral assessments were carried out in the month of April in the areas of Dar Zaghawa and Um Kaddada, and a number of Arab *damras* (seasonal settlements) in the Kutum locality. The World Health Organization is preparing for the second retrospective mortality survey of conflict-affected persons in Darfur. The survey will be conducted in May, and the results are expected to be available in June. In Saraf Omra, Northern Darfur, a blanket meningitis vaccination campaign covered approximately 80 per cent of the targeted population in response to the outbreak detected in Northern Darfur in March 2005.

16. Of the $693 million required to respond to the humanitarian situation in Darfur in 2005, an estimated $517 million was required by the end of March to effectively meet the needs in Darfur. As at mid-April $329 million has been provided, equivalent to approximately half the requirements for the whole year and only about 60 per cent of requirements by the end of March. Almost 90 per cent of contributions to date have been food aid, mostly in kind, leaving many critical sectors and life-saving activities heavily underfunded.

17. There has been some progress in the relocation of internally displaced persons. There are also reports, however, that the local government is contravening the letter and the spirit of the agreements on voluntary return, for example by offering incentives to internally displaced persons to return or relocate.

IV. Human rights

18. As at the end of April, 40 international human rights officers have been deployed to Darfur, including 11 international United Nations Volunteers. By mid-June, deployment of international human rights officers is expected to reach 62, including 18 Volunteers.

19. Insecurity for internally displaced women and girls who venture out to collect firewood and food around camps and settlements of displaced persons throughout Darfur is still prevalent. In all three Darfur States United Nations and non-governmental organization staff continue to receive far too many reports of sexual violence targeting women and girls. In some cases, survivors of gender-based violence find it difficult to seek medical treatment that non-governmental organizations make available within the camps, without interference from the authorities. Human rights officers have documented a number of cases where rape survivors have been harassed by local government officials. They have also documented increased incidents of harassment of doctors in Southern Darfur for treating survivors and for not reporting cases of gender-based violence to the authorities.

20. The same is true with regard to seeking legal redress. Since the attempts last month by the Government and the United Nations Mission in the Sudan to raise awareness of the amended circular on the treatment of rape survivors, some State officials have sought to involve themselves in claims of rape in such a way that survivors of gender-based violence are likely to be discouraged from coming forward to the police. Until local authorities are responsive to reports of rape and until they begin to address the issue of impunity on a significant scale, women and girls will continue to be subject to violence and sexual attacks.

21. The Commission on Human Rights at its sixty-first session adopted a resolution establishing the mandate of a Special Rapporteur on the situation of human rights in the Sudan. The Government of the Sudan is invited to cooperate closely with the Special Rapporteur in discharging his or her tasks to monitor the human rights situation.

22. The Government Judicial Committee assigned to look into human rights violations and crimes against humanity in Northern Darfur has completed its investigations, and accused 70 persons and armed parties of having committed crimes in that area. According to the Supreme Court judge heading the Committee, the accused will face charges ranging from rape, looting and the burning of houses to murder. He also indicated that orders had been given to arrest all suspects identified by the Committee.

23. According to information received from the Government Advisory Council on Human Rights, 15 people, including members of the military and national security, have been accused of committing atrocities during the conflict and placed under arrest. Clarification is being sought as to whether these are the same cases that the Judicial Committee has also been investigating. The Government is urged to make public the findings in the report of the Judicial Committee and to take the steps necessary to hold accountable those responsible for committing abuses of human rights and international humanitarian law during the conflict.

V. Darfur peace process

24. No tangible progress has been achieved in the Darfur political process during the past month. After the last round of Abuja talks, in December 2004, the African Union focused on garnering support from the parties for its proposed draft framework protocol for the resolution of conflict in Darfur. Towards the end of April, an African Union negotiating team travelled to Khartoum, where it discussed with government officials, including the Vice-President, Ali Osman Taha, responses to its draft protocol. The AU team also had contacts with representatives of the armed movements.

25. The African Union continues consultations on modalities for resumption of the peace talks with the parties and with partners, including my Special Representative in the Sudan and his colleagues. The African Union is now planning to convene another round of talks in Abuja, expected to start in the third week of May. However, lack of confidence between the parties has led them to refrain, so far, from taking a clear position on the proposed draft framework protocol. In addition, the lack of direct negotiation since the last round has undermined trust in the process and further exacerbated disagreements between and within the parties. The AU mediation hopes that a new round of talks will take stock of what has been achieved, stabilize the process, and accelerate negotiation of the draft framework protocol.

26. Both JEM and SLM have demonstrated signs of deeper internal divisions during the last month. This has undermined their ability to contribute to the political process in a coherent and reliable manner, and ultimately contributed to the current stalemate. Some external actors have been involved in various attempts to assist the movements in addressing their internal divisions. It is of the utmost importance that the armed movements forge a unified political agenda under a united, coherent and strong leadership capable of reaching a settlement of the conflict in Darfur. No substantive or sustainable outcome can be expected of a peace partner who is too weak or too divided, or of a delegation that has insufficient power to negotiate.

27. The Government has been engaged in its own process of tribal reconciliation. While it is too early to evaluate its real impact, it should be stressed that such an effort, commendable as it is, must not be a substitute for a political agreement between the Government and the armed movements. Such an agreement should be the catalyst to launch a wider process of reconciliation in Darfur that would bring in all stakeholders, especially the vulnerable groups and the victims of violence.

VI. African Union Mission in the Sudan

28. Although the African Union Mission in the Sudan has had a positive impact in the locations where it has been deployed, insufficient resources have meant that the Mission has been unable to provide the protection to civilians that is so badly needed throughout Darfur. On 28 April, the AU Peace and Security Council held a meeting on the basis of a recent assessment mission to discuss the possible expansion of AMIS. In the light of the assessment mission report, the Council decided to augment the number of troops in Darfur to more than 7,000, including 6,171 military personnel and 1,560 civilian police. The Peace and Security Council called for this enlarged force to be in place by the end of September 2005.

29. The total uniformed strength of the AU Mission now stands at 2,409 troops and 244 police. It is essential for the preservation of stability in Darfur that the African Union continue to make progress in deploying its mandated numbers, and that it be provided with sufficient political and material support to allow it to fulfil its extremely challenging role. In the current context, only AU can have the calming effect on the ground that facilitates progress at the political level.

VII. Observations

30. In April, both the rebel movements and the militias continued to manoeuvre to improve their positions while the peace talks remained stalled. Both sides are thus guilty of violating existing agreements and previous resolutions. However, militia attacks are by far the greatest cause of terror and suffering for civilians. While it has been noted that the Government has restrained its forces, it has still not taken action to stop militia attacks and end the climate of impunity that encourages those responsible for ongoing violations.

31. Following the adoption of resolutions 1591 (2005) and 1593 (2005), tension in the Darfur States and Khartoum has increased, and with it the risks of hostile action against the United Nations and other elements of the international presence in Darfur. I urge the Government to make clear its acceptance of all recent resolutions relating to the Sudan and Darfur, and to ensure that a cooperative policy is reflected in word and deed by its officials at all levels.

32. Events in April demonstrated clearly that, without progress on the political level, the suffering of the civilian population of Darfur will continue. Innocent people will continue to be driven into camps and terrorized into postponing their return. Militia groups will continue to steal, rape and kill with impunity. Rebel movements will continue to fight with whatever capacity they can acquire, be it in violation of the arms embargo, or be it by armed robbery from organizations that have come to aid the very people the rebels claim to represent.

33. The representatives at the next round of talks in Abuja have it in their power to halt this downward spiral which has, over the past two years, caused such tremendous suffering, death and destruction. I call on all sides at the talks and on the ground to recognize that this is their choice, and ending this tragedy is their responsibility.